IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 2003 OF 2005

Sou. Kanta Sadashiv Sathe .. Petitioner
V/s.
The Divisional Commissioner & Ors. .. Respondents

Mr. Dilip Bodake for the Petitioner
None present for the Respondents

CORAM : B.H. MARLAPALLE, J.
DATED : 03.05.2005

P.C.:-

1. Heard Mr. Bodake, the learned counsel for the Petitioner, who was elected as Sarpanch of village Kotawade. The post of Sarpanch is reserved for Scheduled Caste (Woman). She faced the motion of no confidence and in the Special Meeting held on 10.5.2004, no confidence motion was passed with the majority of 3/4th. She approached the Collector, Sangli by filing Dispute Application no. 13/2004 under section 35(3)(B) of the Bombay Village Panchayat Act, 1958 and by his judgment and order dated 31.8.2004, the Collector decided against the Petitioner. Revision Application filed under section 35(3)(C) of the Bombay Village Panchayat Act, the challenge to the order passed by the Collector also proved to be futile.

2. Admittedly by motion of no confidence as passed against the Petitioner, she is not disqualified to re-contest the election for the post of Sarpanch and in any case the enquiry made by the Collector is not vitiated on any count. He has gone through the records

and noticed that the motion of no confidence was passed by 3/4th majority. Under such circumstances, the concurrent findings recorded by both the authorities below do not call for interference in this Petition under Article 227 of the Constitution.

3. Hence, the Petition is rejected summarily.

4. Needless to mention the concerned authorities shall take appropriate steps to hold fresh election for the post of Sarpanch expeditiously.

(B.H. MARLAPALLE, J.)